

Judicial Branch Fees Senate File 2426

Executive Summary Only

Last Action:

**Senate Appropriations
Committee**

April 17, 2008

An Act relating to the Judicial Branch including the assessment and collection of fees and fines, filings and records kept by the clerk of the district court, the regulation and certification of shorthand reporters, making appropriations to offset costs, and providing an effective date.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available on line at <http://www3.legis.state.ia.us/noba/index.jsp>

LSA Contact: Jennifer Acton (17846)

**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**SENATE FILE 2426
JUDICIAL BRANCH FEES**

**COURT COSTS FOR PARKING
TICKETS**

- Increases the court costs for parking tickets from \$8 to \$25 per ticket.
- In FY 2007, there were 6,944 parking tickets that had the \$8 court costs imposed.
- The estimated collection rate for parking tickets is 76.1% for FY 2009 and 90.8% for FY 2010. It is assumed that the collection rate will remain the same if the court costs are increased, although the actual collection rate may be lower.

FISCAL IMPACT: The fiscal impact of increasing court costs for parking tickets from \$8 to \$25 will increase revenue to the General Fund by \$86,000 in FY 2009 and \$103,000 in FY 2010.

**SIMPLE MISDEMEANOR MAXIMUM
FINE AMOUNT**

- Under current law, the maximum fine for a simple misdemeanor at the State level cannot exceed \$625. The court may order imprisonment not to exceed 30 days in lieu of a fine or in addition to a fine (Section 903.1(1)(a), Code of Iowa). A city cannot provide a penalty in excess of \$500 or in excess of 30 days imprisonment for the violation of an ordinance (Section 364.3(2), Code of Iowa).
- Increases the maximum fine amount on a simple misdemeanor to mirror State law.

FISCAL IMPACT: The fiscal impact of increasing the maximum simple misdemeanor fine amount on city ordinances to mirror State law may result in additional local and General Fund money as well as some increased revenue from the criminal penalty surcharge for State and local governments and the Crime Victim Compensation Fund. However, the overall impact cannot be determined at this time but is not anticipated to be significant.

**JURY AND WITNESS FEE
REVOLVING FUND**

- The Jury and Witness Fee Revolving Fund is used for the payment of jury and witness fees, mileage, costs related to summoning jurors by the Judicial Branch, and attorney fees for certain termination of parental rights proceedings paid by the State Public Defender for counsel appointed for indigent persons. The Bill adds the word “support” to the list of allowed expenditures. This could significantly increase expenditures to the Fund. However, the impact for this change cannot be determined.
- The FY 2007 ending balance of the Fund was \$4.9 million. As of April 8, 2008, a total of \$4.0 million in receipts had been deposited and \$2.4 million in expenditures had been paid, leaving an estimated balance of \$9.6 million in the Fund.

**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**SENATE FILE 2426
JUDICIAL BRANCH FEES**

BAR EXAM FEES

- Transfers the authority to set fees for examination and admission to practice law in Iowa from the Board of Law Examiners to the Iowa Supreme Court. Permits fees collected to be retained by the Board of Professional Responsibility rather than deposited to the General Fund.
- The amount of bar exam fees deposited in the General Fund from FY 2005 through FY 2008 are as follows:
 - FY 2005 - \$177,000
 - FY 2006 - \$177,000
 - FY 2007 - \$204,000
 - Estimated FY 2008 - \$171,000. Receipts through March 3, 2008, total \$91,000.

FISCAL IMPACT: The fiscal impact of permitting the Judicial Branch to retain the bar exam fees is a decrease to the General Fund of approximately \$186,000 annually beginning in FY 2009.

TRIBAL JUDGMENT FILING FEE

- Establishes a \$100 fee for filing tribal judgments effective January 1, 2009.

FISCAL IMPACT: The fiscal impact of adding the \$100 filing fee for tribal judgments cannot be determined, since the number of tribal judgments is unknown.

COURT REPORTER FEES

- Transfers the authority to set fees for examination and continuing education for court reporters from the Judicial Branch to the Board of Professional Responsibility under the Supreme Court. Permits fees collected to be retained by the Board rather than deposited to the General Fund.
- The amount of court reporter fees deposited in the General Fund from FY 2004 through FY 2007 are as follows:
 - FY 2004 - \$7,795
 - FY 2005 - \$7,745
 - FY 2006 - 8,855
 - FY 2007 - \$8,385

FISCAL IMPACT: The fiscal impact of permitting the Judicial Branch to retain the court reporter fees is a decrease to the General Fund of approximately \$8,200 annually beginning in FY 2009.

EFFECTIVE DATE

- The Sections of this Bill related to the tribal judgment filing fee take effect January 1, 2009.